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PATENT COOPERATION TREATY

NO. 7667 P. 4

From the INTERNATIONAL BUREAU

45-004047

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rule 72.2)

To:

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ALLEMAGNE

Patente, Marken u. Lizenzen

27. Juli 2005

Date of mailing (day/month/year)
21 July 2005 (21.07.2005)

Applicant's or agent's file reference
0000054100

International application No.
PCT/EP2003/013467

IMPORTANT NOTIFICATION

International filing date (day/month/year)
28 November 2003 (28.11.2003)

Applicant

BASF AKTIENGESELLSCHAFT et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference 0000054100	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013467	International filing date (day/month/year) 28 November 2003 (28.11.2003)	Priority date (day/month/year) 04 December 2002 (04.12.2002)
International Patent Classification (IPC) or national classification and IPC C07F 15/00		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 April 2004 (08.04.2004)	Date of completion of this report 04 April 2005 (04.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

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International application No.

PCT/EP2003/013467

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description: 1-15, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims: 1-7, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings: _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description: _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig. _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement				
Novelty (N)	Claims	1-7		YES
	Claims			NO
Inventive step (IS)	Claims	1-7		YES
	Claims			NO
Industrial applicability (IA)	Claims	1-7		YES
	Claims			NO

2. Citations and explanations

This report makes reference to the following document:

D1: EP-A-719758

Document D1 is considered to constitute the prior art closest to the subject matter of claim 1 and discloses metal complexes and their use as catalysts for coupling reactions.

The subject matter of claim 1 differs from those known metal complexes in that the metal complexes contain N'-substituted N-acylamidines as ligands, while the metal complexes disclosed in D1 contain heterocyclic carbenes as ligands.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of providing further transition metal complexes that can be used as catalysts for coupling reactions.

The solution to this problem, as proposed in claim 1 of

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

the present application, involves an inventive step (PCT Article 33(3)) because the claimed transition metal complexes are structurally very remote from the compounds disclosed in D1, and because there are no hints that could prompt a person skilled in the art to modify the compounds disclosed in D1 in such a way as to arrive at the claimed compounds.

Claims 2-7 are dependent on claim 1 and therefore also meet the PCT novelty and inventive step requirements.